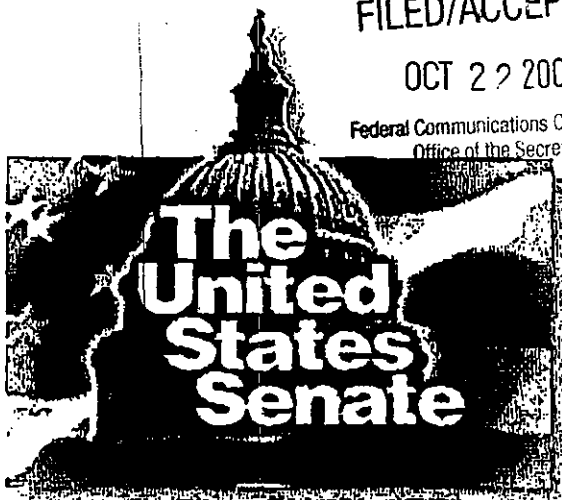




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OCT 22 2008

Federal Communications Commission
Office of the Secretary



Charles E. Grassley

United States Senator

- Iowa -

135 Hart Senate Office Building
Washington, D.C. 20510

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WPB
Sitting
-1692

To: Kevin Washington FAX: 202/418-1900

08-165

From: Senator Grassley Date: 9/15/08

Subject: WT Docket 165 No. of Pages (Including Cover): 4

Comments:

*Any questions, please contact Emily Cook
emily-cook@grassley.senate.gov*

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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

September 15, 2008

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Mr. Kevin Washington
Director
Office of Legislative Affairs
Federal Communications Commission
445 Twelfth Street, SW, Room 8-C445
Washington, DC 20554

Dear Mr. Washington:

Please find enclosed the concerns from my constituents in Dubuque, Iowa regarding Federal Communications Commission (FCC) WT Docket No. 165. I would ask that you would give their concerns all due consideration.

On September 10 2008, the Wireless Telecommunications Bureau granted an extension of the comment period to September 29, 2008. I commend you for ensuring adequate time for all parties.

Sincerely,



Charles E. Grassley
United States Senator

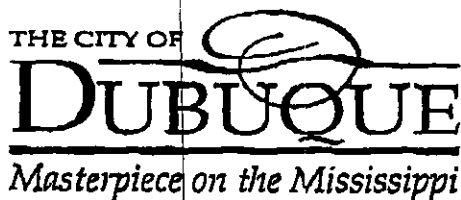
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RANKING MEMBER,
FINANCE

Committee Assignments:

BUDGET
JUDICIARY
AGRICULTURE

CO-CHAIRMAN,
INTERNATIONAL NARCOTICS
CONTROL CAUCUS



City Manager's Office
City Hall
50 West 13th Street
Dubuque, IA 52001-4864
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08 AUG 27 PM 4: 20

August 8, 2008

U.S. Senator Charles Grassley
135 Hart Senate Office Building
Washington, DC 20510-1501

Dear Senator Grassley.

The purpose of this letter is to alert you to the City of Dubuque's concern over a petition currently before the Federal Communications Commission (FCC). Specifically, this letter addresses the **Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance**

The CTIA, the trade association of the cellular telephone industry also known as "The Wireless Association," is asking the FCC to declare new limitations on local zoning authority as it affects cell tower siting. We are especially concerned over the timing of this action. As you know, many of the traditional restraints on FCC action, such as Congress and various advocacy groups, are not able to respond quickly this time of year.

Specifically, the CTIA is asking the FCC to:

- create a "shot clock" of 45 or 75 days for wireless antenna or tower zoning applications;
- rule that applications are automatically deemed granted if a local government misses the FCC's deadline;
- prevent localities from considering the presence of service by other carriers in evaluating an additional carrier's application for an antenna site; and
- preempt any local ordinance that would effectively require a variance for every tower application.

It is our opinion that the CTIA seeks to emulate the telephone industry's recent success in the cable franchising area in convincing the FCC to exceed its authority by creating new, industry-favorable regulations limiting local government authority under the guise of promoting competition. This is a bold attack on the congressional compromises of 1996 that produced a careful balancing of local and federal interests.

The 1996 Communications Act contained two amendments which affect local government authority over the entry of telecommunications providers into local communities. Section 332(c)(7) addressed antenna and tower siting for cellular and personal wireless services and Section 253 addressed state and local "barriers to entry" into the rights-of-way for telecommunications service. Both sections

forbid local "prohibition" of new entry but both explicitly acknowledge the need for continuing municipal regulation.

CTIA's petition asks the FCC to create new rules restricting local communities' authority over antenna zoning matters. This ignores the Congressional Conference Report on the 1996 legislation and the language of the statute itself - that local zoning boards, under the eyes of the courts, are to play the lead role and that the FCC's responsibilities are minimal.

If the FCC grants the CTIA petition, the careful balance in federal law respecting local zoning authority will be destroyed. It is incompatible with responsible zoning to impose a presumption of a right to construct, regardless of the local community values embodied in local zoning.

Opposition to this erroneous and disruptive attack by CTIA is essential to the welfare of local government zoning authority. The City of Dubuque respectfully seeks your support in opposing this action.

Please call me at (563)589-4110 or e-mail me at ctymgr@cityofdubuque.org if you would like additional information on our stance related to this issue. Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Van Milligen". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael C. Van Milligen, City Manager